IDAHO STATE LEGISLATURE



CHILD SEXUAL ABUSE STATISTICS 23rd Annual Report I.C. § 67-1405 JULY 1, 2010 - JUNE 30, 2011

> Joint Submission by The Office of the Governor C. L. "Butch" Otter and The Office of the Attorney General Lawrence G. Wasden January 2012



C. L. "BUTCH" OTTER Governor STATE OF IDAHO

Attorney General STATE OF IDAHO

To: The Idaho Legislature and the Citizens of Idaho

Re: The Prosecution of Child Sexual Abuse

This latest annual report on the prosecution of child sexual abuse once again draws our attention to the disturbing fact that sexual abuse of children continues to be a problem in our state. A great deal of the resources of the Department of Health and Welfare, state and local law enforcement agencies, county prosecuting attorneys, the courts and the Department of Correction are devoted to the apprehension and punishment of the offenders that commit these crimes and to the protection and rehabilitation of the victims of these unspeakable acts.

Too many Idaho children and their families suffer the painful and permanent scarring that such crimes inflict upon the innocent. Parental vigilance and reporting of suspicious behavior to local law enforcement remain the essential protections for children against these crimes that occur most frequently in the victim's or the offender's home.

It is important that we not forget the importance of diligent efforts at all levels of government and in our homes, churches and neighborhoods to see our children are protected and that those who commit these heinous crimes are reported, apprehended and held accountable.

We hope this report will serve as a resource to policymakers, prosecutors, law enforcement officers, parents and others who strive to protect our children.

Sincerely,

C. L. "BUTCH" OTTER Governor State of Idaho

LAWRENCE G. WASDEN Attorney General State of Idaho

ACKNOWLEDGEMENTS

This twenty-third Annual Report was prepared in accordance with I.C. § 67-1405. With the assistance of the county Prosecuting Attorneys throughout the state, the Supreme Court's ISTARS staff, the Department of Health and Welfare and the Commission of Pardons and Parole, the Office of the Attorney General has compiled child sexual abuse statewide case data for fiscal year 2011 as reflected in this report.

REPORT TO THE IDAHO LEGISLATURE FY11 CHILD SEXUAL ABUSE STATISTICS

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REPORT TO THE IDAHO LEGISLATURE I.C. § 67-1405 FY11 CHILD SEXUAL ABUSE STATISTICS

REPORT SUMMARY

- I.C. § 67-1405(1) Reported IN FY10-FY11, **343** INCIDENTS OF CHILD SEX ABUSE WERE REPORTED TO THE DEPARTMENT OF HEALTH AND WELFARE, DIVISION OF FAMILY AND COMMUNITY SERVICES. I.C. § 67-1405(1).
- I.C. § 67-1405(2) Cases Filed: A TOTAL OF **502** CHILD SEXUAL ABUSE CASES WERE FILED (**372** ADULT CASES, **130** JUVENILE PETITIONS) IN IDAHO DISTRICT AND JUVENILE COURTS, IN FY11. THIS REPRESENTS A **DECREASE** OF **12** CASES FILED SINCE FY10.

I.C. § 67-1405(3)

Disposition: Convictions were reported in cases that included: **104** Adult offenders receiving prison, and **19** Juvenile offenders committed to the custody of IDJC; there were **60** Adults and **53** JUVENILES PLACED ON PROBATION; AND **49** Adults were given retained Jurisdiction.

I.C. § 67-1405(4) Discharged

Discharged THE COMMISSION OF PARDONS AND PAROLE GRANTED PAROLE TO **154** Offenders: INMATES AND DISCHARGED AN ADDITIONAL **46** INMATES WHO HAD SERVED THEIR ENTIRE SENTENCES DURING THE **2011** FISCAL YEAR FOR COMMITTING CHILD SEXUAL ABUSE CRIMES.

HISTORICAL OVERVIEW OF ANNUAL REPORT

WITH THE PASSAGE OF HOUSE BILL 362 IN 1989 (ADDING SECTION 67-1405 TO THE IDAHO CODE), THE DUTIES OF THE ATTORNEY GENERAL WERE EXPANDED TO INCLUDE PREPARATION OF AN ANNUAL STATISTICAL REPORT REGARDING CHILD SEXUAL ABUSE IN IDAHO. THE ANNUAL REPORTS PRESENTED TO THE IDAHO LEGISLATURE SINCE 1990 ARE AVAILABLE AT www.ag.idaho.gov/publications/sexualabusereports.html.

THE COLLECTION OF DATA AND PREPARATION OF THIS REPORT FOR FY11 IS THE RESULT OF THE ATTORNEY GENERAL'S STAFF EFFORTS TO PREPARE A REPORT THAT COMPLIES WITH THE STATUTORY DIRECTIVES OF I.C. § 67-1405. THIS REPORT IS JOINTLY SUBMITTED BY GOVERNOR C.L. "BUTCH" OTTER AND ATTORNEY GENERAL LAWRENCE WASDEN.

DATA COLLECTION PROCESS

This report includes data on "incidents" of child sex abuse reported to the Department of Health and Welfare in FY11 (July 1, 2010 to June 30, 2011), the adult and juvenile child sex abuse cases filed by county prosecutors in FY11, the dispositions of the child sexual abuse cases during that period, and information concerning the discharge of inmates in 2011 who were convicted of child sexual abuse crimes. The process of gathering information included in this report was initiated at the close of the fiscal year in july 2011.

IN KEEPING WITH THE INTENT OF I.C. § 67-1405, THE OFFICE OF THE ATTORNEY GENERAL COLLECTED DATA THROUGH SYSTEMS AND PROCESSES PRESENTLY UTILIZED BY THE CONTRIBUTING GOVERNMENTAL ENTITIES. FOR EXAMPLE, INFORMATION CONCERNING THE REPORTING OF CHILD SEXUAL ABUSE INCIDENTS WAS GATHERED FROM "FACTS, FIGURES, TRENDS 2010-2011: A REPORT PREPARED BY THE IDAHO DEPARTMENT OF HEALTH AND WELFARE." FY11 CASE AND DISPOSITION INFORMATION WAS INITIALLY OBTAINED THROUGH THE SUPREME COURT'S ISTARS STATEWIDE CASE MANAGEMENT DATABASE AND THEN PRESENTED TO EACH COUNTY PROSECUTOR'S OFFICE FOR REVIEW AND VERIFICATION. DISCHARGE AND PAROLE RELEASE DATA WAS COLLECTED FROM EXISTING COMMISSION OF PARDONS AND PAROLE DATA FOR FISCAL YEAR 2011.

IN THIS REPORT, THE OFFICE OF THE ATTORNEY GENERAL HAS ENDEAVORED TO COLLECT AND INCLUDE CHILD SEX ABUSE DATA PERTAINING TO: (1) INCIDENTS; (2) CASES; (3) DISPOSITIONS; AND (4) DISCHARGED INMATES AS REQUIRED BY I.C. § 67-1405. THIS REPORT INCLUDES CASES INVOLVING THE FOLLOWING STATUTORY SEXUAL OFFENSES INVOLVING CHILDREN:

INJURY TO CHILDREN (I.C. § 18-1501);

SEXUAL ABUSE OF A CHILD UNDER THE AGE OF SIXTEEN YEARS (I.C. § 18-1506);

RITUALIZED ABUSE OF A CHILD (I.C. § 18-1506A);

SEXUAL EXPLOITATION OF A CHILD (I.C. § 18-1507);

POSSESSION OF SEXUALLY EXPLOITATIVE MATERIALS (I.C. § 18-1507A);

LEWD CONDUCT WITH A MINOR CHILD UNDER SIXTEEN (I.C. § 18-1508);

SEXUAL BATTERY OF A MINOR CHILD SIXTEEN OR SEVENTEEN YEARS OF AGE

(I.C. § 18-1508A);

ENTICING OF CHILDREN (I.C. § 18-1509); AND

ENTICING OF CHILDREN OVER THE INTERNET (I.C. §18-1509A).

CONSISTENT WITH THE STATUTORY MANDATE, THIS REPORT INCLUDES ONLY INFORMATION AVAILABLE THROUGH EXISTING SYSTEMS AND RESOURCES RELATING TO REPORTED INCIDENTS, CASES FILED, DISPOSITIONS, AND OFFENDERS DISCHARGED IN CHILD SEXUAL ABUSE CASES INVOLVING THE ABOVE STATUTORY SECTIONS. I.C. § 67-1405(1) PROVIDES:

THE DEPARTMENT OF HEALTH AND WELFARE, EACH CITY POLICE DEPARTMENT, EACH COUNTY SHERIFF AND THE IDAHO STATE POLICE SHALL SUBMIT TO THE OFFICE OF THE ATTORNEY GENERAL A REPORT OF EACH CHILD SEXUAL ABUSE INCIDENT REPORTED TO EACH AGENCY OF STATE OR LOCAL GOVERNMENT. THE REPORT SHALL CONTAIN SUCH INFORMATION AS SPECIFIED BY THE ATTORNEY GENERAL. IT SHALL BE THE DUTY OF THE ATTORNEY GENERAL TO THE GREATEST EXTENT POSSIBLE TO USE AND DEVELOP THE INFORMATION REQUIRED IN THIS SECTION ON FORMS CURRENTLY IN USE BY EACH GOVERNMENTAL ENTITY, THUS AVOIDING UNNECESSARY PAPERWORK.

In this report, the Office of the Attorney General has included the child sex abuse incident data reported by the Department of Health and Welfare¹ for FY05 – FY11, which is summarized as follows:

FISCAL YEAR	INCIDENTS
FY11	343
FY10	385
FY09	385
FY08	415
FY07	452
FY06	475
FY05	458

THE STATISTICS MAINTAINED BY THE DEPARTMENT OF HEALTH AND WELFARE INCLUDE THOSE REPORTS OF CHILD SEXUAL ABUSE WHICH REQUIRED THE DEPARTMENT'S INVOLVEMENT. THESE STATISTICS DO NOT INCLUDE INCIDENTS OF CHILD SEXUAL ABUSE WHICH MAY HAVE BEEN REPORTED TO LAW ENFORCEMENT BUT DID NOT INVOLVE THE SERVICES OF THE DEPARTMENT OF HEALTH AND WELFARE.²

¹ See "Facts, Figures, Trends 2010-2011: A report prepared by the Idaho Department of Health and Welfare."

² The Attorney General recognizes that some "incidents" of child sexual abuse may be reported to local law enforcement entities but not reported to or investigated by the Department of Health and Welfare, however, there are no systems presently in place to identify such reports or to account for duplicate reporting of the same incident. Therefore, incident information included in this report is limited to those incidents of child sexual abuse reported to and investigated by the Department of Health and Welfare.

II. Cases Filed I.C. § 67-1405(2)

I.C. § 67-1405(2) PROVIDES:

IT SHALL BE THE DUTY OF EACH COUNTY PROSECUTING ATTORNEY TO SUBMIT TO THE OFFICE OF THE ATTORNEY GENERAL A REPORT OF EACH CHILD SEXUAL ABUSE CASE HANDLED BY THE PROSECUTING ATTORNEY. THE REPORT REQUIRED PURSUANT TO THIS SECTION SHALL BE DESIGNED BY THE ATTORNEY GENERAL TO MINIMIZE THE PAPERWORK IMPACT ON EACH COUNTY PROSECUTOR.

A. SUMMARY OF ADULT CASES FILED

(JULY 1, 2010 - JUNE 30, 2011)

ADULT OFFENDERS: CASES AND CHARGES FILED

INFORMATION ON THE ADULT CASES FILED IN FY11 IS INCLUDED IN **CHARTS A1 AND A2.** A TOTAL OF 372 ADULT CASES WERE FILED IN DISTRICT COURT DURING THE TWELVE-MONTH PERIOD OF JULY 1, 2010 - JUNE 30, 2011.

CHART A1 SHOWS THE BREAKDOWN, BY IDAHO CODE SECTION, OF THE MOST FREQUENT CHARGES FILED AGAINST ADULT OFFENDERS FROM AMONG THE **372** CHILD SEXUAL ABUSE CASES REPORTED.

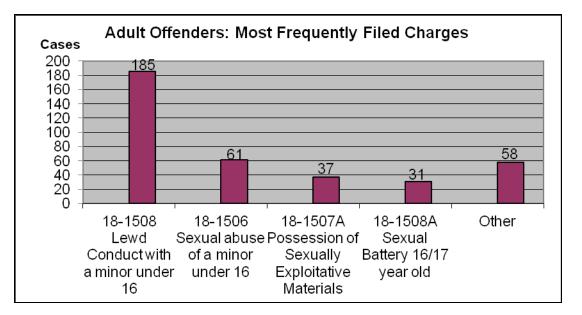


CHART A1: TYPE OF CHARGES FILED

LEWD CONDUCT WITH A MINOR CHILD UNDER SIXTEEN (I.C. § 18-1508) CHARGES CONTINUE TO BE THE CHARGE MOST FREQUENTLY FILED, REPRESENTING 185 OF THE CHARGES FILED IN THE 372 ADULT CASES (49%).

CHART A2 REFLECTS THE NUMBER OF CHILD SEXUAL ABUSE CASES FILED AGAINST ADULT OFFENDERS IN EACH OF THE STATE'S SEVEN JUDICIAL DISTRICTS DURING FY11.

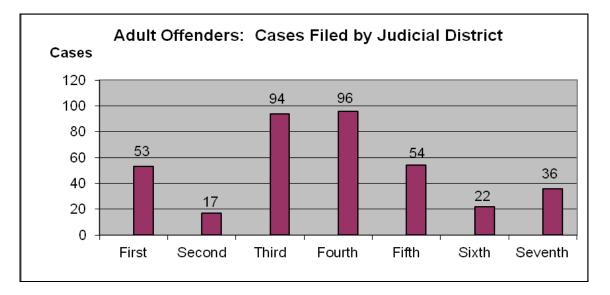


CHART A2: CASES FILED BY JUDICIAL DISTRICT

THE THIRD AND FOURTH JUDICIAL DISTRICTS OF IDAHO REPORTED FILING THE HIGHEST NUMBER OF CASES, REPRESENTING 190 (51%) OF THE TOTAL CHILD SEXUAL ABUSE ADULT OFFENDER CASES FILED IN FY11.

B. SUMMARY OF JUVENILE PETITIONS FILED

(JULY 1, 2010 - JUNE 30, 2011)

A SUMMARY OF THE JUVENILE PETITIONS INVOLVING CHILD SEXUAL ABUSE FOLLOWS IN **CHART J1**. A TOTAL OF 130 JUVENILE PETITIONS INVOLVING CHILD SEXUAL ABUSE WERE FILED DURING THE TWELVE-MONTH PERIOD FROM JULY 1, 2010 - JUNE 30, 2011.

JUVENILE OFFENDERS: PETITIONS FILED

All but ten of the 130 juvenile petitions reported in FY11 charged lewd conduct with a minor child under sixteen (I.C. \$18-1508). Thus, lewd conduct with a minor child under sixteen (I.C. \$18-1508) is clearly the predominant charge in child sexual abuse cases where the offender is a juvenile.

CHART J1 SHOWS JUVENILE PETITION DATA IN SEXUAL ABUSE CASES BY JUDICIAL DISTRICT ACROSS THE STATE OF IDAHO IN FY11.



CHART J1: PETITIONS FILED BY JUDICIAL DISTRICT

THE FOURTH AND FIFTH JUDICIAL DISTRICTS OF IDAHO REPORTED HANDLING THE HIGHEST NUMBER OF PETITIONS, REPRESENTING 63 (48%) OF THE TOTAL CHILD SEXUAL ABUSE JUVENILE OFFENDER PETITIONS FILED IN FY11.

III. DISPOSITION INFORMATION I.C. § 67-1405(3)

I.C. § 67-1405(3) PROVIDES:

THE ADMINISTRATIVE OFFICE OF THE COURTS SHALL SUBMIT TO THE OFFICE OF THE ATTORNEY GENERAL A REPORT SHOWING THE DISPOSITION OF EACH CHILD SEXUAL ABUSE CASE HANDLED BY EACH OF THE DISTRICT COURTS THROUGHOUT THE STATE. THIS REPORTING REQUIREMENT MAY BE SATISFIED BY SUBMISSION OF A COPY OF A JUDGMENT MADE AND ENTERED IN EACH CASE.

A. SUMMARY OF DISPOSITIONS FOR ADULT CASES FILED IN FY11

ADULT OFFENDERS: DISPOSITION INFORMATION

CHART A3 SHOWS THAT IN FY11, CONVICTIONS WERE OBTAINED IN 213 CHILD SEXUAL ABUSE CASES WHERE THE OFFENDER WAS AN ADULT; DISMISSALS WERE ENTERED IN 35 CASES, 2 CASES RESULTED IN ACQUITTALS AND 122 CASES REMAIN PENDING.

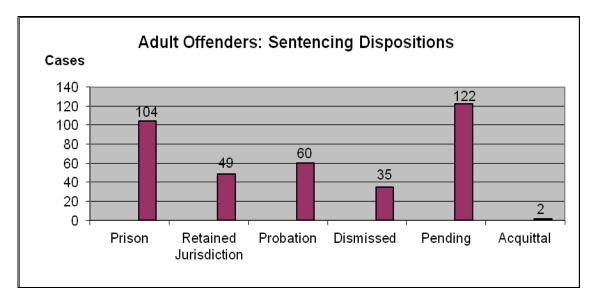


CHART A3: DISPOSITION INFORMATION FOR ADULT CASES FILED IN FY11

CHART A3 ALSO SHOWS THAT OF THOSE CONVICTED IN FY11, 104 (48%) WERE SENTENCED TO PRISON; 49 (23%) WERE GIVEN RETAINED JURISDICTION; AND 60 (28%) WERE PLACED ON PROBATION.

B. SUMMARY OF DISPOSITION INFORMATION FOR JUVENILE OFFENDERS

JUVENILE OFFENDERS: DISPOSITION INFORMATION

CHART J2 SHOWS THAT OF THE 72 JUVENILES DISPOSITIONED IN FY11 IN CHILD SEX ABUSE CASES, PROBATION WAS GRANTED IN 53 CASES (73%), AND 19 JUVENILES (26%) WERE COMMITTED TO THE CUSTODY OF THE IDAHO DEPARTMENT OF JUVENILE CORRECTIONS.

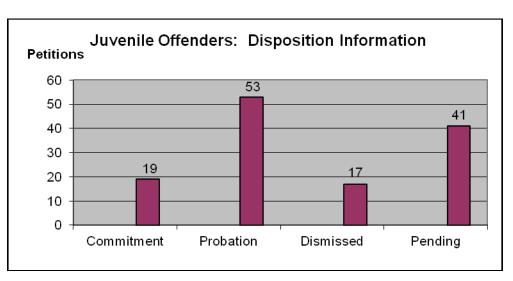


CHART J2: DISPOSITION INFORMATION

IV. DISCHARGED OFFENDERS I.C. § 67-1405(4)

I.C. § 67-1405(4) PROVIDES:

THE COMMISSION ON PARDONS AND PAROLE SHALL SUBMIT TO THE OFFICE OF THE ATTORNEY GENERAL A REPORT SHOWING THE RELEASE OR DISCHARGE OF ANY INDIVIDUAL CONVICTED OF A CRIME INVOLVING CHILD SEXUAL ABUSE. SUCH REPORT SHALL BE DESIGNED TO MINIMIZE THE PAPERWORK IMPACT UPON THE COMMISSION.

THE COMMISSION OF PARDONS AND PAROLE REPORTED THAT DURING THE 2011 FISCAL YEAR, IT GRANTED PAROLE TO 154 INMATES AND DISCHARGED AN ADDITIONAL 46 INMATES WHO HAD COMPLETED THEIR SENTENCES. THESE INMATES WERE OFFENDERS SERVING SENTENCES FOR COMMITTING CHILD SEXUAL ABUSE CRIMES.

V.

STATEWIDE CASE COMPARISON

THE TOTAL NUMBER OF CHILD SEXUAL ABUSE CASES FILED IN FY11 WAS 502 (372 ADULT CASES AND 130 JUVENILE PETITIONS). FOR THE PAST TEN FISCAL YEARS, THE TOTAL NUMBER OF CHILD SEXUAL ABUSE CASES FILED EACH YEAR WAS AS FOLLOWS:

TEN-YEAR SUMMARY OF CHILD SEXUAL ABUSE CASES FILED

FISCAL	Total
Year	CASES
2011	502
2010	514
2009	669
2008	539
2007	430
2006	324
2005	422
2004	371
2003	459
2002	434
2001	386

THE TOTAL NUMBER OF CHILD SEXUAL ABUSE CASES FILED FOR EACH COUNTY IN IDAHO BY TYPE OF OFFENDER (ADULT OR JUVENILE) FOLLOWS IN **TABLE 1: FY11 CASE FILINGS BY COUNTY**. SIX (6) COUNTIES (BLAINE, BOISE, CAMAS, CLARK, CUSTER & VALLEY) REPORTED FILING NO CHILD SEXUAL ABUSE CASES IN FY11 UNDER THE STATUTES TRACKED IN THIS REPORT AND, AS SUCH, THEIR RATES ARE REPORTED AS ZERO.

Queente	Population	FY11	FY11	FY11
County	2010 Census	Adult	Juvenile	Total
Ada	392,365	92	27	119
Adams	3,976	1	0	1
Bannock	82,839	11	8	19
Bear Lake	5,986	1	1	2
Benewah	9,285	6	0	6
Bingham	45,607	13	4	17
Blaine	21,376	0	0	0
Boise	7,028	0	0	0
Bonner	40, 877	19	0	19
Bonneville	104,234	8	11	19
Boundary	10,972	5	1	6
Butte	2,891	1	0	1
Camas	1,117	0	0	0
Canyon	188,923	68	7	75
Caribou	6,963	2	1	3
Cassia	22,952	12	6	18
Clark	982	0	0	0
Clearwater	8,761	4	2	6
Custer	4,368	0	0	0
Elmore	27,038	4	2	6
Franklin	12,786	8	4	12
Fremont	13,242	1	1	2
Gem	16,719	10	1	11
Gooding	15,464	6	1	7
Idaho	16,267	4	0	4
Jefferson	26,140	8	3	11
Jerome	22,374	15	4	19
Kootenai	138,494	19	11	30
Latah	37,244	4	3	7
Lemhi	7,936	1	0	1
Lewis	3,821	1	0	1
Lincoln	5,208	1	0	1
Madison	37,536	3	2	5
Minidoka	20,069	3	6	9
Nez Perce	39,265	4	1	5
Oneida	4,286	1	1	2
Owyhee	11,526	5	0	5
Payette	22,623	7	1	8
Power	7,817	0	5	5
Shoshone	12,765	4	0	4
Teton	10,170	2	0	2
Twin Falls	77,230	15	16	31
Valley	9,862	0	0	0
Washington	10,198	3	0	3
Totals	1,526,705	372	130	502

TABLE 1: FY11 CASE FILINGS BY COUNTY

FY11 CASES FOR CHILD SEXUAL ABUSE PROSECUTIONS IN THE TEN MOST POPULATED COUNTIES ARE SET FORTH IN **TABLE 2**.

TABLE 2

COUNTY	POPULATION	ADULT CASES	JUVENILE CASES	TOTAL CASES
Ada	392,365	92	27	119
CANYON	188,923	68	7	75
KOOTENAI	138,494	19	11	30
BONNEVILLE	104,234	8	11	19
BANNOCK	82,839	11	8	19
TWIN FALLS	77,230	15	16	31
BINGHAM	45,607	13	4	17
BONNER	40,877	18	0	18
NEZ PERCE	39,265	4	1	5
MADISON	37,536	3	2	5

FY11 CASES FOR TEN MOST POPULATED COUNTIES

FY11 CASES FOR CHILD SEXUAL ABUSE PROSECUTIONS IN THE TEN LEAST POPULATED COUNTIES ARE SET FORTH IN **TABLE 3**.

TABLE 3

COUNTY	POPULATION	Adult Cases	JUVENILE CASES	TOTAL CASES
Clark	982	0	0	0
CAMAS	1,117	0	0	0
BUTTE	2,891	1	0	1
Lewis	3,821	1	0	1
ADAMS	3,976	1	0	1
Oneida	4,286	1	1	2
CUSTER	4,368	0	0	0
LINCOLN	5,208	1	0	1
BEAR LAKE	5,986	1	1	2
CARIBOU	6,963	2	1	3

FY11 CASES FOR TEN LEAST POPULATED COUNTIES

FY11 DISCHARGES OF ADULT CHILD SEXUAL ABUSE OFFENDERS BY COUNTY AND TYPE OF DISCHARGE ARE SET FORTH IN **TABLE 4.**

COUNTY	STATUS	TOTAL
ADA	Discharge	8
ADA	Parole	45
BANNOCK	Discharge	5
BANNOCK	Parole	9
BINGHAM	Parole	3
BLAINE	Parole	3
BOISE	Discharge	2
BONNER	Parole	4
BONNEVILLE	Discharge	2
BONNEVILLE	Parole	12
		4
_	Discharge	•
CANYON	Parole	23
CARIBOU	Parole	1
CASSIA	Discharge	2
CASSIA	Parole	2
CLEARWATER	Parole	2
ELMORE	Parole	3
FRANKLIN	Discharge	1
FRANKLIN	Parole	3
GEM	Discharge	2
GEM	Parole	2
GOODING	Discharge	1
GOODING	Parole	2
IDAHO	Discharge	1
JEFFERSON	Parole	1
JEROME	Discharge	1
JEROME	Parole	2
KOOTENAI	Discharge	6
KOOTENAI	Parole	6
LEWIS	Discharge	1
LEWIS	Parole	1
LINCOLN	Parole	2
MADISON	Parole	1
MINIDOKA	Parole	8
NEZ PERCE	Parole	4
OWYHEE	Discharge	1
OWYHEE	Parole	1
PAYETTE	Discharge	2
POWER	Parole	3
SHOSHONE	Discharge	1
TETON	Discharge	1
TWIN FALLS	-	5
TWIN FALLS	Discharge Parole	10
VALLEY		10
	Parole	1
Total Paroled	154	
Total Discharged	46	Grand Total 200

TABLE 4

FY11 DISCHARGES OF ADULT CHILD SEXUAL ABUSE OFFENDERS